

Local Law Enforcement Agencies



Functional Analysis & Records Disposition Authority

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Local Government
Records Commission
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Functional Analysis of Local Law Enforcement Agencies

Sources of Information

- Representatives of Local Law Enforcement
- Alabama Sheriffs' Association
- Alabama Association of Chiefs of Police
- Alabama Constitution of 1901
- Alabama Government Manual (1998)
- Code of Alabama 1975
- Bailey, William G. The Encyclopedia of "Police Science" (1989)
- Martin, David. Alabama's State and Local Government, 3rd edition (1988)
- Thomas James D. and William H. Stewart. Alabama Government and Politics (1988)
- Timmons, Robert D. "Alabama Sheriffs' Association" (1996)

Historical Context

The word "sheriff" is of English derivation, a contraction of the word "shire" (county) and "reeve" (an agent of the king). The Alabama Constitution of 1819 provided that the sheriff would be elected by the people in each county "for the term of three years. . . and [would] not be eligible to serve either as principal [sheriff] or deputy for the succeeding years." Sheriffs were made subject to impeachment if prisoners were taken from them and lynched. Today, the sheriff serves a term of four years and can serve consecutive terms. There is an elected sheriff in each of Alabama's 67 counties who performs general law enforcement duties and serves judicial writs. The sheriff is not responsible for automobile accident investigations, which are handled by state troopers or city police.

The development of modern municipal law enforcement procedures began with the creation of the London Metropolitan Police in 1829. While informal, voluntary, and private systems for providing police services had existed previously, that year marked the creation of a paid, public, full-time police force in London and (with the contemporary Sureté in France) the real inception of modern police administration. Faced with the task of establishing a 1,000-member police force "from scratch," Sir Robert Peel relied on the following fundamental principles: (1) the police should be under government control, (2) the basic mission of the police is preventing crime and disorder, (3) the police's success is dependent upon public approval, (4) the police should be organized along military lines, (5) securing and training proper persons for the police force is essential, (6) police officers should be hired on a probationary basis, (7) police strength should be deployed in different shifts and precincts, and (8) police officers should employ only the minimum force necessary when dealing with offenders.

In the late 1800s and early 1900s, a reform movement swept through American police administration. Central to these reforms was the idea of government by rational decision-making. Reformers sought to separate politics from administration and to put police administration in the hands of trained professionals. Civil service and merit systems were created to guarantee that

personnel decisions were based on objective criteria, rather than on political connection. This reforming spirit influenced the development of police administration in many states, including Alabama. During the Constitutional Convention of 1901, among the most controversial and hard-fought issues were the governor's impeachment power over the sheriff in lynching cases, and the question of whether the sheriff should be allowed to serve more than one successive term. Supporters of the latter measure wanted to keep an experienced man in office; opponents charged that successive terms would lead to the establishment of a "courthouse ring," with the sheriff more interested in retaining office than in upholding the law.

From the 1960s until the present time, police administration has focused on improving productivity through more inspired leadership and greater emphasis on improving the conditions and qualifications of police service. Other areas that have received attention are the analysis and improvement of police tactics and strategies, and the police agency's relationship with its community, and the increasing importance of forensics work in solving crimes.

Agency Organization

County sheriffs are their county's chief law enforcement officer and are elected for a four-year term. They have the authority to appoint a chief deputy, who assists with the office's duties and acts as chief coordinator. The sheriff reports to the county commission. To become a sheriff or deputy sheriff, an applicant must be not less than 21 years of age; have vision correctable to normal standards; have normal hearing in each ear; be a citizen of the United States and a resident of the state of Alabama (or have stated an intention to become one upon being employed); have a current, active Alabama driver's license; be free from physical, emotional, or mental conditions that might adversely affect job performance; have no criminal record (minor traffic violations are excluded); not, by reason of conscience or belief, be opposed to using force when appropriate or necessary to fulfill required duties; pass a civil service examination and be certified by the county's Civil Service Commission; meet all Alabama Peace Officer Standards and Training Requirements; and pass a rigid background investigation (not only of the applicant but also of the applicant's family).

Municipal police chiefs are appointed by the town or city government and have general law enforcement authority within its boundaries, extending to an area of police jurisdiction outside the corporate limits. Municipal police forces vary in size from one or two officers to large city departments. To become a police officer, an applicant must possess the same qualifications as a deputy sheriff, although some police departments do not require applicants to take a civil service examination. In most departments, any deputy or police officer may perform any departmental function, whether the assignment is in the corrections field, the court system, or the law enforcement division. As a department grows in size and responsibility, it normally develops uniform procedures that guide officers in discharging their duties.

Agency Function and Subfunctions

The mandated function of the Local Law Enforcement Agencies in Alabama is all objectives that pertain to preventing, controlling, and reducing crime; enforcing criminal law and apprehending criminals; monitoring activities of the courts and related agencies having criminal jurisdiction;

and ensuring public safety. Although certain police activities (such as enforcing ordinances or directing traffic) relate to the Regulation and Public Services functions, they are primarily aspects of Law Enforcement and are so treated here. As such, it is one of the agencies responsible for performing the Law Enforcement and Emergency Powers function of Alabama government as described in the “Functional Analysis of Alabama Government.”

In the performance of its mandated function, the Local Law Enforcement Agencies may engage in the following subfunctions:

- **Maintaining Public Order and Security.** This subfunction covers most routine departmental patrol activities. County and municipal law enforcement agencies are permitted by statute (Code of Alabama 1975 § 36-22-3) to take reasonable precautions against disruptions of the peace, to apprehend or prevent criminal behavior, to create procedures for dealing with law violations, to pursue general approaches to the crime problem (deterrence, incarceration, or rehabilitation), and to inform the public and enlist public support. The sheriff’s or police department responds to all complaints and crimes within its jurisdiction. Officers patrol their “beats” to protect lives and property. Local law enforcement officers may join security details with other state or federal officers to guard U.S. or foreign dignitaries. Two specialized activities pertaining to this subfunction are:

Enforcing local legislation. As noted in the functional analysis of municipalities, municipal police officers enforce local legislation passed by town or city councils. Such legislation is designed to abate nuisances or to regulate businesses for compliance with municipal, state, or federal laws.

Controlling traffic. Police officers and sheriff’s deputies conduct 24-hour road patrols as one of their routine duties. Periodically, officers may operate radar, direct traffic, issue citations for traffic law violations, investigate accidents, provide first aid, photograph accident scenes, notify next of kin, and file statistical reports as required by law. Officers provide escorts for caravans and oversize motor vehicles. They assist in funeral processions, direct traffic at public functions, and conduct patrols of public parks.

- **Communicating and Reporting Criminal Activity.** Law enforcement officers operate radio communications to surrounding counties, cities, states, and all county mobile units. Telephone communications may include multi-line systems (both in-watts lines and open lines), civil defense, and statewide warning points for severe weather warnings. Teletype or computer systems provide access to all state units of such organizations as the Alabama Criminal Justice Investigation Center (abbreviated as CJIC), the Alabama Bureau of Investigation’s Criminal Information Center (CIC), the National Law Enforcement Telecommunications System (NLETS), and the National Crime Information Center (NCIC).

According to the Code of Alabama 1975 § 41-9-2, vital information relating to certain crimes is to be accumulated, stored, analyzed, and disseminated in order to gauge criminal activity across the state. A uniform crime reporting system has been created for periodically collecting and analyzing information on crimes committed within the jurisdiction of any criminal justice agency in the state. Local law enforcement officers feed information about persons they arrest into the system; in turn, CJIS provides sheriff's offices and police departments with statistical data and individual criminal histories upon request.

- **Investigating Crime.** This subfunction documents law enforcement agency investigations conducted after suspected or actual violations of the law. If citizen complaints or department patrol activities indicate that a crime has been committed, the sheriff's or police department's personnel may conduct an investigation. All felonies are investigated; misdemeanors may or may not require a full investigation. Investigations of suspicious deaths involve the county coroner, who issues an official certificate of death and files a report with the local law enforcement agency and the district attorney. Juvenile crimes are investigated regardless of whether they are felonies or misdemeanors. Internal affairs investigations of law enforcement personnel are also included under this subfunction. Local law enforcement agencies may obtain assistance in investigations from the Alabama Bureau of Investigation (ABI), the Alabama Department of Forensic Sciences (ADFS), the Federal Bureau of Investigation (FBI), or other state and federal authorities.
- **Making Arrests.** This subfunction relates to procedures for arresting persons accused of crimes by local authorities. No person can lawfully be accused, arrested, or detained except for violations of the law and according to the form prescribed below: If a judge or magistrate is satisfied that an offense has been committed, s/he signs a warrant of arrest stating the substance of the complaint. The warrant is then directed to the proper law enforcement agent, and the suspect is arrested (there are exceptions to the requirement for a warrant, such as when an offense is committed in the presence of an officer). Persons charged with misdemeanors may be released by the officer on their own recognizance, which binds them to appear in court (or, in certain cases, to pay a fine) or face arrest. When someone is indicted for a crime by a grand jury, the judge issues a bench warrant for his or her arrest. If the suspect is not already in custody, a law enforcement officer will arrest and detain him or her. Anyone charged with, and arrested for, a felony before an indictment is issued has an absolute right to a preliminary hearing within 30 days of the arrest. Failure to appear will not invalidate the indictment.
- **Detaining and Booking Offenders.** When a warrant has been served, and a suspect is taken into custody and transported to a county or municipal jail, the booking process begins. The suspect is processed by an intake officer. His or her personal belongings are taken, identified, and assigned a number. Fingerprints and photographs are taken at this time. All the information taken is initially entered into the arrest record book, although other records are also generated to document arrest and booking.

- **Providing Assistance to the Courts.** Both sheriff's deputies and police officers may serve as bailiffs for the courts. Officers serve bench warrants and subpoenas, make arrests, and bring prisoners before the court. They assist officers of the state Board of Pardons and Paroles in monitoring paroled prisoners, return fugitives from outside the state, secure extradition waivers on apprehended criminals from outside jurisdictions, and transport prisoners and patients by order of the court. Law enforcement officers may testify in court, with or without a subpoena. Their duties may require them to transport evidence to the crime lab for identification and analysis or to the court. Sheriff's deputies also serve original notices, writs, subpoenas, and orders for all Alabama district and small claims courts; collect judgments under execution, writs, attachments, and distress warrants; and arrange for the sale of property or the garnishment of wages and bank accounts as part of these collections.

- **Incarcerating Offenders.** The Code of Alabama 1975 § 11-47-7 states that all cities and towns shall have the power to establish, erect, maintain, and regulate jails, station houses, and prisons. Once an offender is sentenced, s/he is incarcerated in an appropriate minimum-, medium-, or maximum-security correctional facility. Two activities involved in post-sentencing incarceration are: (1) determining the type of punishment and care that the offender may require, and (2) arranging restitution to victims and society. For persons convicted in municipal court, a sentence cannot exceed one year's incarceration in the municipal jail. If a sentence exceeds one year, the prisoner is transported at the end of that time to the county jail. Correctional facilities may also be under county jurisdiction, and the sheriff and police chief have the same responsibility for providing jail security.

- **Managing Elections.** Under Title 17 of the Code of Alabama 1975, the county sheriff has a number of duties in the election process. S/he is a member of the election official appointing board and notifies officials when they have been appointed. The sheriff also serves public notice of state and county elections and of any special elections called by the governor. The sheriff's office notifies the public of the location of all polling places, delivers election supplies to voting places before the polls open, and preserves order during all elections except municipal elections. For municipal elections, that duty devolves upon the police, who otherwise have no electoral responsibilities.

- **Administering Internal Operations.** A significant portion of the Local Law Enforcement Agencies' work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency including:
 - Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

 - Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and

purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing Human Resources: Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; investigating and disciplining.

Managing Properties, Facilities, and Resources: Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

Records Appraisal of Local Law Enforcement Agencies

The following is a discussion of the three major categories of records created and/or maintained by the Local Law Enforcement Agencies: Temporary Records, Permanent Records, and Records No Longer Created.

Temporary Records

Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the board are discussed below:

- **Jewelry and Pawn Shop Tickets and Reports.** These records were originally appraised with a disposition of “Retain 2 years following audit.” However, subsequent discussions with local police departments indicate that the records are merely reports, and copies of tickets, turned in by pawn shops to document items that have been pawned. Used only for informational purposes, they have no financial component and are not subject to audit. The required retention has therefore been changed to “Retain 3 years.”
- **Coroner’s Records.** These records document the county coroner’s investigation of any death that occurred when the subject was not under a physician’s care. The records include autopsy reports, background files on autopsies, and death certificates. Retention of the records is tied to final disposition of the case. The “Records Management Recommendation” proposed here does not affect the records’ disposition. Rather, at the request of the Attorney General’s Office and the Alabama Coroners’ Association, it reminds departing county coroners that their records should remain at the coroner’s office after they retire. Based on the reports we have received, the loss of such records has become a major problem in some counties. Text of the recommendation is as follows:

Records Management Recommendation: Under the Code of Alabama 1975 § 36-12-4, “All public officers of this state shall turn over to their successors... all current books, papers and documents pertaining to the business, affairs or transactions of their office...” The Alabama Coroners’ Association reminds retiring county coroners to ensure that copies of all autopsy reports, investigation files, background files, and other records they created remain with the coroner’s office after their departure.

- **Audio/Video Field Recordings.** These records are created to document traffic stops and other interactions between law enforcement officers and suspected offenders or the public. Audiovisual capturing devices subject to this records retention policy include, but are not limited to, the following: body/vest cameras, in-car/dash cameras, security recordings, and audio recordings without video. The subject matter of the audio/video field records may include, but is not limited to, the following: arrests, offenses, incidents, accidents, and fatalities.

The terms “offenses” and “incidents” are requested for inclusion due to their precise

meanings within the Federal Bureau of Investigation's Uniform Crime Reporting (UCR) Program. The UCR subcategorizes "offenses" into two groups. Part I offenses include such criminal acts as the following: criminal homicide, robbery, aggravated assault, arson, and human trafficking. Part II offenses include such criminal acts as the following: simple assault, fraud, vandalism, drug abuse violations, and driving under the influence (DUI). (Explanatory Note: Neither of the aforementioned offense lists is comprehensive for purposes of brevity.)

An "incident" is defined as a scenario in which one or more offenses takes place (Source: www.ucr.fbi.gov).

The records retention of audio/video field recordings is determined by whether the recordings become part of a case file. If the recordings become part of a case file, the audiovisual material is to be retained until the final disposition of all cases for which recording provides evidence. If the recordings do not become part of a case file, the material is to be retained for six (6) months. This retention is derived from the statute of limitations period for presentation of claims against municipalities (Code of Alabama 1975 § 11-47-23).

- **Law Enforcement Copies of Records Documenting Other Charges, Orders, and Directives of the Courts – Docket Books.** These records document the law enforcement agency's response to charges, orders, and other directives of the courts. Disposition requirements for the agency copy of a record assumes retention of the court system's copy for the period specified in the Administrative Office of Courts' retention schedules for court records. Added to the schedule, in this edition of the RDA, are docket books kept by the law enforcement agency to track the receipt of court directives and the agency's response. Their disposition requirement parallels that for the individual records documented in the docket books.
- **Records of Jail Operations – Jail Surveillance Audio/Video Recordings.** This record series fulfills local law enforcement agencies' responsibilities to monitor the conduct, welfare, and safety of prisoners during incarceration. The records retention of jail/surveillance audio/video recordings is determined by whether the recordings become part of a case file. If the recordings become part of a case file, the audiovisual material is to be retained until the final disposition of all cases for which the recording provides evidence. If the recordings do not become part of a case file, the material is to be retained for six (6) months. This retention is derived from the statute of limitations period for presentation of claims against municipalities (Code of Alabama 1975 § 11-47-23).
- **Facilities/Building Security Records – Security Monitoring or Response Recordings.** This record series fulfills local law enforcement agencies' responsibilities to provide security to staff and members of the public using facilities. The records retention of security monitoring or response recordings is determined by whether the recordings become part of a case file. If the recordings become part of a case file, the audiovisual material is to be retained until the final disposition of all cases for which the recording

provides evidence. If the recordings do not become part of a case file, the material is to be retained for six (6) months. This retention is derived from the statute of limitations period for presentation of claims against municipalities (Code of Alabama 1975 § 11-47-23).

Permanent Records

The Archives Division recommends the following records as permanent:

Maintaining Public Order and Security

Routine patrol activities that result in arrests are permanently documented in records of the courts. Law enforcement's role in enforcing local legislation (primarily through abating nuisances) is reflected in county commission or city council minutes. Statistical information from law enforcement activity reports impact upon the departments' annual budget requests and final appropriations in the county or municipal budget.

Communicating and Reporting Criminal Activity

Local, state, and federal police authorities work together to collect, evaluate, and disseminate criminal intelligence data through a nationwide, continually updated communications network administered by the National Crime Information Center (NCIC). While the information is constantly in flux, the network itself provides permanent documentation of this vital law enforcement function.

Investigating Crime

- **Investigations Files (files of permanent historical significance).** Prior to disposing of any investigation files, local law enforcement officials should determine whether any of the cases relate to public issues of permanent historical significance. The law enforcement agency should request assistance in evaluating the records from a Government Records Division archivist, or from another qualified state or local historian or archivist. Investigation files identified as having long-term historical significance should be retained by the agency permanently or transferred to a local library, archives, or historical society under the terms set forth in a local government records deposit agreement.

Making Arrests/Detaining and Booking Offenders

Arrests that lead to prosecutions are permanently documented in the records of the courts. "Approximately 300 arresting and judicial agencies in Alabama submit criminal history information to the [D]epartment [of Public Safety]," which "maintains fingerprint files... repeat offender files and arrest dispositions... and provides criminal history information to law enforcement agencies throughout the nation" (Public Safety RDA, p. 1-7). Information in these

files is periodically updated, but the arrangement provides permanent documentation of local law enforcement's arrest and booking function.

Providing Assistance to the Courts

- **Sheriff's Execution Dockets or Orders of Sale.** These records document the county sheriff's execution of court orders for the sale of property sold to satisfy a judgment. Information available includes the names of the parties, the character of the process, the date and amount of judgment, the principal and costs collected, the issuing court, and the attorney's name. The docket books are appraised as permanent, but the sheriff is directed to transfer them to the circuit court when they are filled. In this edition of the RDA, disposition is also provided for sheriff's department copies of court orders relating to the sales. Because the docket books permanently document the sheriff's role in executing court orders, the copies are assigned a retention period of: "Retain for useful life."
- **Sheriff's Sales Books.** These records document the actual, court-ordered sale of property by the county sheriff. Information available includes a brief description of the property and process, the date of the sale, the purchaser, and the price. Like those above, these books are appraised as permanent and earmarked for transfer to the circuit court (Code of Alabama 1975 § 36-22-13).

Incarcerating Offenders

Permanent records of jail administration are discussed below under the Administering Internal Operations subfunction.

Managing Elections

The only permanent county or municipal election records are the official Records of Election Results, which are maintained by the county probate office and covered in its RDA.

Administering Internal Operations: Managing the Agency

- **Administrative Policies and Procedures.** These records document the formulation of policy or rule-making decisions by the law enforcement agency.
- **Historical and Publicity Files.** These records include news releases, newsletters, brochures, periodicals, photographs, videotapes, audio tapes, speeches, and public service announcements created by law enforcement or agencies.
- **Administrative correspondence.** This correspondence documents the formulation of policy, rule-making, or administrative decisions by the sheriff, chief of police, or other law enforcement personnel. It may also include correspondence on policy or administrative issues with county or municipal officials and state or federal law enforcement agencies.

- **Websites.** Websites are developed to provide information to the public on departmental policies, programs, services, and administration, as well as public safety issues.

Administering Internal Operations: Managing Finances

- **General ledgers and detailed year-end trial balances (Only records created prior to 1975).** These are records of final entry for all financial transactions: collecting revenue, purchasing, administering state and federal funds, and general accounting. Records created in or after 1975. Retain 10 years after the end of the fiscal year in which the records were created.
- **Audit Reports.** These records document the law enforcement agency's overall financial conditions and the findings of the Examiners of Public Accounts (sheriff's departments) or an independent auditor (police departments) during each audit period.
- **Final narrative reports.** Final narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished.

Administering Internal Operations: Managing Human Resources

- **Personnel or Pension Board Meeting/Hearing Minutes, Agendas, and Packets.** These records document meetings, policies, and actions taken by the law enforcement agency's personnel or pension board, along with the agenda of topics to be discussed at the meeting and any attachments or other documents provided to board members.
- **Employee Handbooks.** These records provide guidance to new law enforcement employees about personnel rules, policies, and procedures.
- **Job Classifications and Pay Plans.** Law enforcement agencies that conduct their own personnel administration.
- **Employee Newsletters.** These records are internal newsletters created for law enforcement agency employees to communicate personnel policies, news of important events, and information about individual employees.
- **Annual Reports of Promotions and New Hires.** These records summarize overall law enforcement personnel activity and turnover during the year. They may also include reports of employee retirements, resignations, and terminations.
- **Training Records.** Training standards, policies, procedures, and publications.
- **"Drug-Free Workplace" Records.** Drug/alcohol abuse policy and procedures documentation.

Records No Longer Created

- **Election Officers' Certificates (pre-1900 only).** These records certified that the individuals named acted as inspectors or clerks during elections held in the county.

Permanent Records List Local Law Enforcement Agencies

Investigating Crime

1. Investigations Files (files of permanent historical significance)

Providing Assistance to the Courts

1. Sheriff's Execution Dockets or Orders of Sale
2. Sheriff's Sales Books

Administering Internal Operations: Managing the Agency

1. Administrative Policies and Procedures
2. Historical and Publicity Files
3. Websites

Administering Internal Operations: Managing Finances

1. General Ledgers/Detailed Year-End Trial Balances (created after 1975)
2. Audit Reports
3. Final Grant Project Narrative Reports

Administering Internal Operations: Managing Human Resources

1. Personnel Board Meeting/Hearing Minutes, Agendas, and Packets
2. Employee Handbooks
3. Employee Newsletters
4. Job Classifications and Pay Plans
5. Annual Reports of Promotions and New Hires
6. Training Records – Training standards, policies, procedures, and publications
7. "Drug-Free Workplace" Records

Records No Longer Created

1. Election Officers' Certificates (pre-1900 only)

Local Law Enforcement Agencies Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the Local Government Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and 41-13-22 through 24. It was compiled by the Archives Division, Alabama Department of Archives and History (ADAH), which serves as the Commission's staff, in cooperation with representatives of the Local Law Enforcement Agencies. The RDA lists records created and maintained by the Agency in carrying out their mandated functions and activities. It establishes minimum retention periods and disposition instructions for those records and provides the legal authority for the Agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and may be made available to members of the public. Records also must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the agency records manager or ADAH Archives Division at (334) 242-4452.

Explanation of Records Requirements

The RDA shall govern the disposition of all records, regardless of format, created by the agency from creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created prior to 1940.

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of the records created by the Agency. Copies of superseded schedules are no longer valid and may not be used for records disposition.

The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document agency activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value,

copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about social activities; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Agency and lists the groups of records created and/or maintained as a result of activities and transactions performed in carrying out these subfunctions. The Agency may submit requests to revise specific records disposition requirements to the Local Government Records Commission for consideration at its regular biannual meetings.

Maintaining Public Order and Security

1.01 Activity Reports.

- a. **Annual activity reports.** These records document departmental patrol activities on an annual basis. They take the form of statistical summaries for each category of crime, misdemeanor, or citation covered in the report.
Disposition: Temporary Record. Retain 2 Years.
- b. **Daily and monthly activity reports.** These records document daily and monthly patrol activities by individual uniformed officers in response to calls during routine patrol. They provide statistical summaries of patrol activities on a daily and monthly basis.
Disposition: Temporary Record. Retain 1 Year.

1.02 Alabama Uniform Incident/Offense Reports. These records document any incident or offense in which departmental personnel are involved, regardless of its nature.
Disposition: Retain one copy of I/O Report in the Arrest Case File, according to class of offense, for the following periods after final disposition of the case:

- a. **Felonies.**
Disposition: Temporary Record. Retain 25 years.
- b. **Misdemeanors.**
Disposition: Temporary Record. Retain 10 years.
- c. **Offenses committed by juveniles.**
Disposition: Temporary Record. Retain until subject's age of majority.
- d. **Offenses committed by youthful offenders.**
Disposition: Temporary Record. Retain case file according to the retention policy for the most severe class of offense (felony or misdemeanor).

- e. **Reports that do not result in an arrest.**
Disposition: Temporary Record. Retain 10 years.
- f. **Other copies of I/O reports.**
Disposition: Temporary Record. Retain for useful life.

1.03 Records Documenting Traffic Accidents and Violations.

- a. **Alabama uniform traffic accident reports.** These reports describe and report traffic accidents that occur within a law enforcement agency's jurisdiction.
Disposition: Temporary Record. Retain 5 years.
- b. **Private property accident reports.** These records document traffic accidents that occur on private property. They are often kept separately from traffic accidents that occur on city streets.
Disposition: Temporary Record. Retain 5 years.
- c. **Alabama uniform traffic ticket and complaint forms.** These are law enforcement copies of tickets issued to motorists for traffic violations that occur within an agency's jurisdiction.
Disposition: Temporary Record. Retain until final disposition of the case.
- d. **Voided Alabama uniform traffic ticket and complaint forms.** These are tickets that were not issued due to damage or other factors that made them unusable. Law enforcement agencies retain them for verification during audit.
Disposition: Temporary Record. Retain 2 years following an audit.
- e. **Alabama uniform traffic ticket and complaint receipt books.** These records document the issuance of Uniform Traffic Ticket and Complaint books to law enforcement officers for audit purposes.
Disposition: Temporary Record. Retain 2 years following an audit.
- f. **UTC (uniform traffic citation) transmittal forms.** These records document each traffic ticket given. The form is sent to the district or municipal court, and a copy is returned to the department.
Disposition: Temporary Record. Retain 2 years following an audit.
- g. **Warning tickets.** These tickets are issued to motorists whose traffic offenses are not serious enough to warrant an enforceable citation.
Disposition: Temporary Record. Retain 30 days.

1.04 Records of Chemical Tests for Intoxication. These records document the administration of tests to establish the blood-alcohol content of motorists stopped on suspicion of drunken driving. They are retained in a variety of formats, including cards and computerized records systems.

Disposition: Temporary Record. Retain 2 years or until final disposition of the case, whichever is longer.

1.05 Impoundment and Auction Records. These records document the seizure or impoundment, and release or sale, of motor vehicles and other confiscated or unclaimed property taken into custody by law enforcement officers.

Disposition: Temporary Record. Retain 2 years following audit.

1.06 Vehicle Door Damage Waivers. These records document waiving of damages that may occur when law enforcement officers are asked to open vehicle doors of motorist who have their locked their keys inside a vehicle or otherwise cannot gain access.

Disposition: Temporary Record. Retain 1 year.

1.07 Records Documenting Non-Traffic Violations.

- a. **Alabama uniform non-traffic citation and complaint forms.** These are law enforcement copies of Uniform Non-Traffic Citation and Complaint Forms (ARJA 20) issued by law enforcement officers.

Disposition: Temporary Record. Retain 2 years following an audit.

- b. **Voided Alabama uniform non-traffic citation and complaint forms.** These records maintain accountability for Alabama uniform Non-Traffic Citation and Complaint Forms (ARJA 20) that have not been issued due to error, damage, or other factors.

Disposition: Temporary Record. Retain 2 years following an audit.

1.08 Courtesy Security Reminders. These records document the distribution of courtesy security reminders during patrol operations. Their purpose is to notify home or business owners of unsafe conditions on the property, such as unlocked doors, inadequate lighting, etc.

Disposition: Temporary Record. Retain 1 year.

1.09 Parade Permit Application and Permits. These records document the application for, and issuance or denial of, permits to organizations that wish to conduct parades within a law enforcement agency's jurisdiction.

Disposition: Temporary Record. Retain 2 years following audit.

Note: If the denial of a permit, or events during a parade, result in criminal prosecution or litigation, the application and permit should be held through resolution of the case.

Communicating and Reporting Criminal Activity

2.01 Law Enforcement/911 Dispatch Cards or Log Books. These records document the assignment of law enforcement, fire, or emergency medical service personnel to calls for assistance.

Disposition: Temporary Record. Retain 3 years after last entry.

2.02 Radio/Telephone Recordings. These records document calls for emergency assistance to a law enforcement or 911 department dispatcher and the agency's response. They include recordings of radio communications between dispatchers and vehicles in the field.

- a. **Recorded information that does not become part of a case file.**

Disposition: Temporary Record. Retain 6 months.

- b. **Recorded information that becomes part of a case file.**

Disposition: Retain until final disposition of all cases for which recording provides evidence.

2.03 Law Enforcement Data System (LEDS) Entry Cards and Validation Documents. These records document the entry of data on crime and criminal offenders by local law enforcement agencies into the Law Enforcement Data System (LEDS) database.

Disposition: Temporary Record. Retain entry cards and validation documents until corresponding information in the database has been updated or deleted.

2.04 Criminal History Logs. These records document the compilation of information on criminals or motorists obtained from LEDS and other criminal data sources. The logs record officers' requests to the department's records division for such information. An entry on a log may include the subject's name, date of birth, description, and criminal history, as well as the date of the inquiry and the initials of the department's records clerk.

Disposition: Temporary Record. Retain for useful life.

2.05 Ex-Felon Registration Records. These records document the registration (subject to the requirements of Code of Alabama 1975 § 13A-11-181 through 13A-11-185) of ex-criminal offenders who take up residence within a county. They may include registration books, information on forms or in computer databases, and registration cards issued to ex-felons. Information in the records may include offenses committed by ex-felons, time and place of convictions, and places of residence within the county.

Disposition: Temporary Record. Retain 5 years after last term of incarceration ends. For juveniles, retain until subject's age of majority.

2.06 Sex Offender Registration Records. These records document the registration of persons convicted of specified sexual offenses who take up residence within a county. Registration (subject to the terms of the Code of Alabama 1975 § 13A-11-200 through § 13A-11-204) is a lifelong requirement for non-juvenile offenders. The sheriff maintains a register of sex offenders and also provides information on them to the Alabama Law Enforcement Agency (ALEA). Disposition: Temporary Record. Retain 5 years after offender's residence in county ends, or 5 years after verification of offender's death. For juveniles, retain 10 years after release, or until subject's age of majority, whichever is longer.

Investigating Crime

3.01 Investigation Files (including internal affairs files). These records document the investigation of crimes in the community by the sheriff's office or police department. Investigation files may also document death investigations (such as investigations of drug overdoses, suicides, and vehicular accidents) and internal affairs investigations of departmental personnel. Disposition: Retain case files, according to the class of offense, for the following period after final disposition of the case, or until verification of the death of the subject or alleged participant.

- a. **Felonies.**
Disposition: Temporary Record. Retain 25 years.
 - b. **Misdemeanors.**
Disposition: Temporary Record. Retain 10 years.
 - c. **Offenses committed by juveniles.**
Disposition: Temporary Record. Retain until subject's age of majority.
 - d. **Offenses committed by youthful offenders.**
Disposition: Temporary Record. Retain case file according to the retention policy for the most severe class of offense (felony or misdemeanor).
- Note: According to the Code of Alabama 1975 § 15-19-7, "The fingerprints and photographs and other records of a person adjudged a youthful offender shall not be open to public inspection unless the person adjudged a youthful offender is treated as an adult sex offender according to the Code of Alabama [1975] § 15-20A-35; provided, however, that the court may, in its discretion, permit the inspection of papers or records."*
- e. **Investigations that do not result in criminal charges.**
Disposition: Temporary Record. Retain 10 years after expiration of the applicable statute of limitations for the charge or action.

Note: Prior to disposing of investigation files, the law enforcement agency should determine whether any cases relate to public issues of long-term historical significance. The agency should request assistance in evaluating the records from an ADAH Archives

Division staff member prior to conducting records destruction activities archivist. Any record having historical significance should be retained by the agency or transferred to a local library, archives, or historical society under a local government records deposit agreement.

f. **Death investigations.**

Disposition: Temporary Record. Retain 25 years after the investigation is closed.

3.02 Jewelry and Pawn Shop Tickets and Reports. These records inform law enforcement agencies of items pawned, thus assisting in the recovery of stolen goods.

Disposition: Temporary Record. Retain 3 years.

3.03 Annual Pistol Applications and Permits. These records document applications for, and issuance or denial of, pistol permits within each local government jurisdiction. Pistol applications must be annually renewed.

Disposition: Temporary Record. Retain 2 years following audit.

3.04 Records of Firearms Sold by Dealers. These records document the retail sale of firearms in each local government jurisdiction. They are used to determine whether persons may legally purchase firearms, and to monitor dealers' compliance with state and federal regulations. It may also include correspondence related to the denial of firearm applications due to Brady Bill considerations.

Disposition: Temporary Record. Retain for 20 years (27 CFR 178.129).

3.05 Background Investigation Files. These files document the law enforcement agency's background investigations on behalf of other organizations. Law enforcement may perform background checks for counties, municipalities, other government agencies, and/or private entities.

Disposition: Temporary Record. Retain 3 years after completion of investigation.

3.06 Unidentified Latent Prints. These records document prints taken during law enforcement investigations that are never identified. They therefore do not result in an arrest or become a part of a case file.

Disposition: Temporary Record. Retain until expiration of the applicable statute of limitations for the charge or action.

3.07 Coroner's Records. These records document the county coroner's investigation of any death that occurred when the subject was not under a physician's care. Disposition of the records is as follows:

a. **Autopsy reports.** These records document autopsies performed by county coroners or the state Department of Forensic Sciences.

i. Coroner's copy.

Disposition: Temporary Record. Retain 2 years after final disposition of the case.

- ii. Law enforcement copy.
Disposition: Temporary Record. Retain in the case investigation file for the period required.
- b. **Coroner's background files on autopsy reports.** These are preliminary notes by county coroners about their investigation of suspicious deaths; they are used in preparing autopsy reports.
Disposition: Temporary Record. Retain until final disposition of the case.
- c. **Certificates of death (coroner's and law enforcement copies).** Official certificates of death are filed with the state Bureau of Vital Statistics.
Disposition: Temporary Record. Retain for useful life.

Making Arrests

4.01 Arrest Warrants/Unexecuted Arrest Warrants (law enforcement copies). These records document the implementation of written orders, signed by a magistrate, to apprehend suspected criminal offenders. Unexecuted warrants cannot be recalled except by action of the court, even though the statute of limitations for the crime may have expired.

- a. **Executed warrants.**
Disposition: Temporary Record. Retain until final disposition of the case.
- b. **Unexecuted warrants.**
Disposition: Temporary Record. Retain until executed or recalled by the appropriate court. After 10 years, ask the court to review unexecuted warrants.

4.02 Arrest Case Files and Indices. These records document the arrest and booking into custody of offenders by departmental personnel.
Disposition: Retain case file, according to the class of offense, for the following periods after final disposition of the case, or until verification of subject's death:

- a. **Felonies.**
Disposition: Temporary Record. Retain 25 years.
- b. **Misdemeanors.**
Disposition: Temporary record. Retain 10 years.
- c. **Offenses committed by juveniles.**
Disposition: Temporary record. Retain until subject's age of majority.
- d. **Offenses committed by youthful offenders.**
Disposition: Temporary Record. Retain case file according to the retention policy for the most severe class of offense (felony or misdemeanor).

e. **Arrest case file indices.**

Disposition: Temporary Record. Retain for the life of the indexed records.

Note: Prior to disposing of arrest case files, the law enforcement agency should determine whether any cases relate to public issues of long-term historical significance. The agency should request assistance in evaluating the records from an ADAH Archives Division staff member prior to conducting records destruction activities. Any record having historical significance should be retained by the agency or transferred to a local library, archives, or historical society under a local government records deposit agreement.

4.03 Audio/Video Field Recordings. These records are created to document traffic stops and other interactions between law enforcement officers and suspected offenders or the public. Audiovisual capturing devices subject to this records retention policy include but are not limited to the following: body/vest cameras, in-car/dash cameras, security recordings, and audio recordings without video. The subject matter of the audio/video field records may include but is not limited to the following: arrests, offenses, incidents, accidents, and fatalities.

a. **Recorded information that does not become part of a case file.**

Disposition: Temporary Record. Retain 6 months.

b. **Recorded information that becomes part of a case file.**

Disposition: Temporary Record. Retain until final disposition of all cases for which recording provides evidence.

Detaining and Booking Offenders

5.01 Records Documenting Arrest and Booking.

a. **Arrest/booking logs.** These records document the date and time of booking of persons taken into law enforcement custody.

Disposition: Temporary Record. Retain 5 years, or until disposition of all cases documented in the log.

b. **Fingerprint cards.** Fingerprint cards provide a long-term means of identifying persons arrested and checking their criminal histories against existing fingerprint files.

Disposition: Temporary Record. Retain 50 years or until verification of subject's death.

c. **Mug shots.** Photographs of persons arrested (mug shots) are also taken at the time of booking.

Disposition: Temporary Record. Retain 50 years or until verification of subject's death.

d. **Indices to fingerprints and mug shots.**

Disposition: Temporary Record. Retain for life of the indexed records.

Note: Prior to disposing of arrest and booking records, the law enforcement agency should determine whether any cases relate to public issues of long-term historical significance. The agency should request assistance in evaluating the records from an ADAH Government Records Division archivist, or from another qualified state or local historian or archivist. Any record having historical significance should be retained by the agency or transferred to a local library, archives, or historical society under a local government records deposit agreement.

Providing Assistance to the Courts

6.01 Bench Warrants and Subpoenas (law enforcement copies). Bench warrants authorize law enforcement officers to apprehend suspected criminal offenders who fail to appear in court after posting bond. Subpoenas may be issued for various purposes including, but not limited to, compelling the provision of documents and summoning witnesses to appear during civil and criminal proceedings.

a. **Executed warrants and subpoenas.**

Disposition: Temporary Record. Retain until final disposition of the case.

b. **Unexecuted warrants and subpoenas.**

Disposition: Temporary Record. Retain until executed or recalled by the appropriate court. After 10 years, ask the court to review unexecuted warrants and subpoenas.

6.02 Law Enforcement Copies of Records Documenting Other Charges, Orders, and Directives of the Courts. These records document all other charges, orders, and directives issued by the court that require action by law enforcement officers in reference to specific cases. The disposition set forth here applies only to the law enforcement copies of such records and assumes retention of court copies for the periods specified in schedules established by the Administrative Office of Courts.

Disposition: Temporary Record. Retain until final disposition of the case.

a. **Law enforcement copies of individual charges, orders, and directives.**

Disposition: Temporary Record. Retain until final disposition of the case.

b. **Docket books (used to track receipt of/response to court directives).**

Disposition: Temporary Record. Retain until final disposition of all the cases recorded in the docket book.

6.03 Exhibits of Evidence. These records include exhibits of evidence in law enforcement custody that were not released to their owners.

- a. **Evidence used in court proceedings.** These exhibits become of the property of the civil or criminal court and must be disposed of by written order of the court, following the provisions of Section D (Exhibits) of the Court Records Retention Schedules (2009 edition) published by the Administrative Office of Courts.
Disposition: Temporary Record. Ask the district attorney and clerk of the appropriate court to review unreturned evidence 1 year after final disposition of the case.
- b. **Evidence not used in court proceedings.**
Disposition: Temporary Record. Retain 1 year after final disposition of the case and until written consent for disposal is received from the district attorney.

6.04 Sheriff's Execution Dockets or Order of Sale. These records document the county sheriff's execution of court orders for the sale of property. They include both docket books and copies of court orders.

- a. **Sheriff's execution dockets.**
Disposition: PERMANENT RECORD. Transfer to circuit court clerk when book is filed.
- b. **Copies of court orders.**
Disposition: Temporary Record. Retain for useful life.

6.05 Sheriff's Sales Books. These records document the actual, court-ordered sale of property by the county sheriff.
Disposition: PERMANENT RECORD.

Incarcerating Offenders

7.01 Monthly Reports to the State Department of Corrections. These reports detail information on the number, race, sex, and physical condition of prisoners in county or municipal jails; any visits by local health authorities; and other information listed on standard Department of Corrections forms.
Disposition: Temporary Record. Retain 2 years following audit.

7.02 Records of Jail Operations.

- a. **Daily jail censuses, inmate rosters, and related statistical records.** These records (which may vary in title and format among law enforcement agencies) provide statistical information on inmates housed in local jails, broken down by such factors as sex, race, criminal history, and "state" vs. "county" jurisdiction.
Disposition: Temporary Record. Retain 6 years.

- b. **Daily shift logs.** These records are daily reports of jail activities, providing a running chronology of events on each shift. They document such matters as observation of prisoners, admission of persons in or out of the facility, daily menus and dispensing of medications to the prison population, etc.
Disposition: Temporary Record. Retain 1 year.
- c. **Jail surveillance audio/video recordings.** These records are created to monitor the conduct and safety of prisoners during their incarceration.
 - i. Recorded information that does not become part of a case file.
Disposition: Temporary Record. Retain 6 months.
 - ii. Recorded information that becomes part of a case file.
Disposition: Temporary Record. Retain until final disposition of all cases for which recording provides evidence.
- d. **Jail visitor records.** These records document visitors to prisoners at the jail. They may be kept in various formats (cards, logbooks, electronic, etc.) and contain such information as: the date of the visit; the inmate's name and identification number; the visitor's name, address, and telephone number; the type of identification given; the name of officer who registered the visitor; and other comments.
Disposition: Temporary Record. Retain 5 years after release of inmate.

7.03 Jail Inspection Records. These records document the periodic inspection of every county or municipal jail, almshouse, or prison in the state to ensure the just, humane, economic, and efficient management of these facilities. Records in this series include Department of Corrections Form 914.

Disposition: Temporary Record. Retain 2 years after the date of inspection. For cities and towns of less than 10,000 people, retain 10 years after date of inspection.

7.04 Jail Incident Reports. These records document all unusual instances involving inmates, such as infractions of jail rules, and subsequent actions taken by guards or other law enforcement personnel.

Disposition: Temporary Record. Retain 5 years after release of inmate.

7.05 Feeding Prisoners Account Books. These records document the amount paid to the law enforcement agency by the State of Alabama for feeding prisoners in county or municipal jails.
Disposition: Temporary Record. Retain 2 years following audit.

7.06 Records of Incarceration (Inmate Files). These records document the incarceration of individual inmates in county or municipal jails. Basic information in the files includes: inmate's name and description, charges, order and date of commitment, and order and date of release. Other records documenting incarceration may include: cards or logs summarizing an inmate's criminal history, medical files, personal property receipt/disposal forms, request forms (such as requests to deduct money from inmate accounts), complaint forms and agency responses, and court information files. Disposition of the records is as follows:

- a. **Inmate medical files (records documenting medication issued to individual inmates and medical care provided to them by doctors, dentists, or nurses).**

Disposition: Temporary Record. Retain 10 years after the term of incarceration ends.

- b. **All other records.**

Disposition: Temporary Record. Retain 5 years after the term of incarceration ends.

7.07 Inmates' Personal Property. This item provides for the disposition of clothing and other personal belongings taken from prisoners at the time of their incarceration. It covers articles that, for whatever reason, cannot be returned to prisoners or their families after their incarceration ends. It does not pertain to articles that become evidence in court (see "Exhibits of Evidence"). Disposition: Temporary Record. Retain 1 year after release of inmate.

7.08 Inmate Commissary Files. These records document the request for and receipt of goods from the commissary of a correctional facility. Records in this series may include, but are not limited to, commissary order forms and delivery confirmations.

Disposition: Temporary Record. Retain 1 year.

Note: For financial records pertaining to the commissary, please refer to "Administering Internal Operations – Managing Finances."

Managing Elections

8.01 Ballots and Poll Lists (sheriff's department only). These records document the conduct of elections in the county but are not the official results of the election (which are filed as permanent records with the county probate judge). They include ballots, voter poll lists, and clerks' poll lists.

Disposition: Temporary Record. Retain 6 months after an election, unless the election is contested. For elections with a federal race on a ballot, retain 22 months after the election. If the election is contested or results in litigation, retain until contest is resolved, litigation is terminated, and all appeal processes are exhausted. After an election, "return all unused absentee election materials to the Secretary of State, along with an itemized, signed statement showing the description and quantity of each item of absentee election materials not utilized by the county or municipality in the election just concluded" (Code of Alabama 1975 § 17-10-24 [1996]).

Note: Other records of county election administration are covered in the RDA for county probate offices.

Administering Internal Operations: Managing the Agency

9.01 Administrative Policies and Procedures. These records document the formulation of policy or rule-making decisions by the law enforcement agency.

Disposition: PERMANENT RECORD.

9.02 Administrative Reference Files. These records include materials not created by the law enforcement agency; they serve only as a reference source of information on law enforcement issues.

Disposition: Temporary Record. Retain for useful life.

9.03 Historical and Publicity Files. These records include news releases, newsletters, brochures, periodicals, photographs, videotapes, audio tapes, speeches, and public service announcements created by law enforcement or agencies.

Disposition: PERMANENT RECORD. Retain in office or transfer to a local library, archives, or historical society under the terms of a local government records deposit agreement.

9.04 Correspondence.

- a. **Administrative correspondence.** This correspondence documents the formulation of policy, rule-making, or administrative decisions by the sheriff, chief of police, or other law enforcement personnel. It may also include correspondence on policy or administrative issues with county or municipal officials and state or federal law enforcement agencies.

Disposition: PERMANENT RECORD.

- b. **Routine correspondence.** This correspondence documents the day-to-day conduct of law enforcement operations. It does not relate to policy- or rule-making decisions

Disposition: Temporary Record. Retain for 3 years.

9.05 Attorney General's Opinions. These records document opinions of the Attorney General regarding questions posed by law enforcement officials.

Disposition: Temporary Record. Retain until superseded, obsolete, or no longer useful.

9.06 Legal Case Files. These records document lawsuits involving the law enforcement agency.

Disposition: Temporary Record. Retain for 6 years after the case is closed.

9.07 Mailing Lists. These records include various standard lists of names and addresses for the purpose of office mail-outs.

Disposition: Temporary Record. Retain for useful life.

9.08 Mail, Telephone, and Fax Machine Logs. These records are lists of telephone and fax machine contacts and related data.

Disposition: Temporary Record. Retain for useful life.

9.09 Calendars. These records include desk calendars and other scheduling devices for law enforcement personnel.

Disposition: Temporary Record. Retain for useful life.

9.10 Records Management Documentation.

- a. **Records documenting implementation of the agency's approved RDA.** These records include records management plans, records inventories, finding aids, and destruction notices.

Disposition: Temporary Record. Retain 2 years following audit.

- b. **Copy of approved RDA.** The RDA provides legal guidelines for the disposition of law enforcement records. The sheriff or police chief should maintain a signed copy of the RDA and distribute copies to other agency divisions as needed.

Disposition: Temporary Record. Retain 2 years following audit.

- c. **Local government records deposit agreements.** These records are formal agreements executed by the law enforcement agency so that a local repository (library, archives, or historical society) may accept physical custody of long-term records. They include inventories of records in the repository. (Note: Deposit agreements must be approved by the Local Government Records Commission. For information, contact ADAH.)

Disposition: Retain 10 years after termination of the agreement.

- d. **Records request forms.** Departments may ask visitors who wish to examine records to complete an identification form before providing access. Information in such forms may include visitor's name and contact information, date and time of request, records requested, reason for request, and staff comments.

Disposition: Temporary Record. Retain 2 years following audit or until any resulting litigation is concluded.

9.11 Computer Systems Documentation. These files include hardware and software manuals and diskettes and warranties.

Disposition: Temporary Record. Retain former system documentation 2 years after the audit period in which the former hardware and software no longer exist anywhere in the agency, and all permanent records have been migrated to the new system.

9.12 Websites. Websites are developed to provide information to the public on departmental policies, programs, services, and administration, as well as public safety issues.

Disposition: PERMANENT RECORD. Preserve a complete copy of website annually, or as often as significant changes are made.

Administering Internal Operations: Managing Finances

10.01 Budgeting Records. These records document preparing a budget request package for the county commission or municipal council, reporting the status of funds, requesting amendments of allotments, and reporting program performance.

- a. **Departmental budget estimates and requests.** These records contain information submitted by the law enforcement agency to the county or municipal government during budget preparation.
Disposition: Temporary Record. Retain 2 years following audit.
- b. **Records documenting budget performance during the budget cycle.** These records include budgeted vs. actual revenue/expense reports, investment reports, encumbrance reports, etc.
Disposition: Temporary Record. Retain 2 years following audit.

10.02 Accounting Records.

- a. **Routine accounting records.** These are records of original entry or other routine accounting transactions, including journals, registers, ledgers, receipts, bank statements, deposit slips, canceled checks, and other supporting documentation.
Disposition: Temporary Record. Retain 2 years following audit.

Note: Disposition for grant-related accounting records is provided under Grant Project Files.

- b. **General ledgers and detailed year-end trial balances.** These are records of final entry for all financial transactions: collecting revenue, purchasing, administering state and federal funds, and general accounting.
 - i. Records created prior to 1975.
Disposition: PERMANENT RECORD.
 - ii. Records created in or after 1975.
Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the records were created.

10.03 Purchasing Records. These records document the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods and services, and authorizing payment for products. Records in this series may include, but are not limited to, purchase orders, quotes, invoices, purchasing card receipts, and receiving reports.
Disposition: Temporary Record. Retain 2 years after audit.

10.04 Audit Reports. These records document the law enforcement agency's overall financial conditions and the findings of the Examiners of Public Accounts (sheriff's departments) or an independent auditor (police departments) during each audit period.

Disposition: PERMANENT RECORD.

10.05 Contracts, Leases, Franchises, and Agreements. These records document the negotiation, fulfillment, and termination of all contracts, leases, franchises, and agreements entered into by the law enforcement agency, including final contracts that are subject to the bid process.

Disposition: Temporary Record. Retain 10 years after expiration of the contract (Code of Alabama 1975 § 6-2-33).

10.06 Records of Formal Bids. These records document the bid process, including the law enforcement agency's requests for proposals and unsuccessful responses from service vendors.

Disposition: Temporary Record. Retain 7 years after the date bids were opened (Code of Alabama 1975 § 41-16-4e).

10.07 Grant Project Files. These records document the agency's application for, and conduct of, grant projects funded by local, state, federal, or private sources. Disposition is as follows:

- a. **Financial records, interim narrative reports, and supporting documentation.** These records include background materials, financial reports, interim reports and other supporting documentation for grants that have been awarded. Also included are records relating to rejected grant applications.
Disposition: Temporary Record. Retain 6 years after submission of final financial report or denial of application.
- b. **Subsidiary financial records.** These records include accounting or purchasing records and any other subsidiary financial documentation of federal grants, excluding financial reports (see federal rule 1354).
Disposition: Temporary Record. Retain 3 years after submission of final financial report.
- c. **Final narrative reports.** Final narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished.
Disposition: PERMANENT RECORD.

10.08 Travel Records. These records document requests by law enforcement personnel for authorization to travel on official business, and related materials such as travel reimbursement, forms, and itineraries.

Disposition: Temporary Record. Retain 2 years following audit.

10.09 Employer Tax Returns and Related Files. These records include, but are not limited to, employer state tax returns, federal tax returns, local tax returns, unemployment quarterly reports, and Federal Forms 1099. These records do not pertain to individual employees but instead describe the local government agency as a whole.

Disposition: Temporary Record. Retain 2 years following audit.

Administering Internal Operations: Managing Human Resources

11.01 Personnel or Pension Board Meeting/Hearing Minutes, Agendas, and Packets. These records document meetings, policies, and actions taken by the law enforcement agency's personnel or pension board, along with the agenda of topics to be discussed at the meeting and any attachments or other documents provided to board members.

Disposition: PERMANENT RECORD (Code of Alabama 1975 § 11-44-22).

11.02 Personnel or Pension Board Hearing Files. These records document various types of hearings held by the department's personnel or pension board, such as demotion hearings, hardship rules hearings, grievance hearings, dismissal appeals, discrimination appeals, layoff appeals, pension-related disputes, and citizen complaints.

Disposition: Temporary Record. Retain 6 years after board's decision and settlement of all appeals.

11.03 Employee Handbooks. These records provide guidance to new law enforcement employees about personnel rules, policies, and procedures.

Disposition: PERMANENT RECORD.

11.04 Employee Newsletters. These records are internal newsletters created for law enforcement agency employees in order to communicate personnel policies, news of important events, and information about individual employees.

Disposition: PERMANENT RECORD.

11.05 Job Classifications and Pay Plans. These records document job classifications for all positions covered by the law enforcement agency's personnel system. They include the title, qualifications, duties, and pay range for each position.

- a. **Law enforcement agencies that conduct their own personnel administration.**

Disposition: PERMANENT RECORD.

- b. **Law enforcement agencies whose personnel administration is conducted by another county or municipal department.**

Disposition: Temporary Record. Retain 4 years after position is reclassified.

11.06 Examination Records. These records document the development and administration of examinations for employment in department positions.

- a. **Examination history files.** These files document the development of employment examinations. They include questionnaires, comparison studies, final copies of examinations, and job announcements.
Disposition: Temporary Record. Retain 1 year after examination is no longer in use.
- b. **Examination administrative files.** These records document the administration of examinations to applicants for positions. They include rating forms, answer sheets, and lists of applicants.
Disposition: Temporary Record. Retain 3 years.

11.07 Certification Records. These records document the process of certifying applicants for employment. They pertain to individuals deemed qualified for department positions after submitting an application and taking an employment examination.

- a. **Employment registers.** These records are lists of individuals declared qualified for certain positions. They include job classifications, names of eligible applicants, and their ranking on the certification list.
Disposition: Temporary Record. Retain 1 year after superseded.
- b. **Employee certification files.** These records document the certification process with individual job applicants. They include questionnaires, training and experience records, grades, notifications, and returned postcards and letters.
Disposition: Temporary Record. Retain 3 years.

11.08 Job Recruitment Materials. These records document efforts by the law enforcement agency to advertise positions and attract qualified personnel.

Disposition: Temporary Record. Retain 2 years after the position is filled.

11.09 Employment Applications. These records are applications by individuals for employment in law enforcement agency positions.

- a. **Successful applications.**
Disposition: Temporary Record. Retain in employee personnel file.
- b. **Unsuccessful applications.**
Disposition: Temporary Record. Retain 3 years.
- c. **Supplemental data forms.** Information on these forms includes the job applicant's name, Social Security number, date of birth, race, gender, and recruitment source. The form may be separated and filed separately from other information on the employment application.
Disposition: Temporary Record. Retain 6 years after employee separation or 3 years after an unsuccessful application.

- d. **I-9 Forms.** These federal forms are used to verify that persons seeking employment are eligible to work in the United States. Disposition of the agency's copy is provided by 8 CFR 274.a.2.

Disposition: Temporary Record. Retain 3 years after employment or 1 year after termination, whichever is longer.

11.10 Equal Opportunity Employment Commission Files. These records document the agency's compliance with regulations established by the federal Equal Employment Opportunity Commission.

Disposition: Temporary Record. Retain 3 years.

Note: "Whenever a charge of discrimination has been filed, or an action brought to the Attorney General – [retain] until final disposition of the charge or action" (29 CFR 1602.31, 1602.20).

11.11 Employee Personnel Files. These records document each law enforcement employee's work history; they are generally maintained as case files. The files may include information on employee background checks, training, performance evaluations, disciplinary actions, promotions and demotions, awards, leave, and salary. These records may be case files maintained by a central city/county personnel office or internal files maintained by a law enforcement agency that are not duplicated elsewhere.

Disposition: Temporary Record. Retain 6 years after separation of employee.

11.12 Employee Work Schedules. These records document the daily and weekly work schedules of all law enforcement employees.

Disposition: Temporary Record. Retain 2 years following audit.

11.13 Annual Reports of Promotions and New Hires. These records summarize overall law enforcement personnel activity and turnover during the year. They may also include reports of employee retirements, resignations, and terminations.

Disposition: PERMANENT RECORD.

11.14 Leave and Attendance Records. These records document the attendance and leave status of law enforcement personnel, both generally and for individual employees.

- a. **Individual employee leave and attendance records (including time sheets).** These are records documenting hours worked, leave earned, and leave taken by individual employees.

Disposition: Temporary Record. Retain 2 years following audit.

- b. **Employee cumulative leave/attendance records.** These records document the final leave status (cumulative leave) of individual employees.

Disposition: Temporary Record. Retain 6 years after separation of employee.

- c. **Employee sick leave donation records.** These records document the donation of sick leave to their colleagues by law enforcement employees.

Disposition: Temporary Record. Retain 2 years following audit.

11.15 Payroll Records. These records document law enforcement agency payrolls, as well as pay status and payroll deductions for individual employees.

- a. **Annual payroll earnings reports/records documenting payroll deductions for tax purposes (wage and tax statements).** These are summaries of employees' earnings during a fiscal year, including all deductions and federal Form 941.
Disposition: Temporary Record. Retain 50 years after the end of the tax year in which the records were created.
- b. **Records documenting law enforcement payrolls.** These records include pre-payroll reports, payroll check registers, payroll action forms, payroll/overtime certification reports, etc.
Disposition: Temporary Record. Retain 2 years following audit.
- c. **Records documenting payroll deduction authorizations.** These records document payroll deduction authorizations for taxes (including W-4 forms), retirement contributions, and similar deductions withheld from the pay of individual employees.
Disposition: Temporary Record. Retain 6 years after separation of employee.
- d. **Records documenting payroll deductions.** These records document taxes (including W-2 forms), retirement contributions, and all other deductions withheld from the pay of individual employees.
Disposition: Temporary Record. Retain 2 years following audit.
- e. **Employee "cafeteria plan (flexible benefits) records.** These records document salary-reduction type plans authorized by the U.S. Internal Revenue Service, Section 125.
 - i. General Information About the Plan.
Disposition: Temporary Record. Retain until superseded.
 - ii. Employee Applications, Correspondence, Enrollment Cards and Files.
Disposition: Temporary Record. Retain 6 years after termination of the plan.

11.16 Employee Insurance Program Enrollment and Claims Files. These files document the law enforcement agency's efforts to assist employees and their dependents to enroll in health/life insurance programs, in accordance with established guidelines.

- a. **General information on the program.**
Disposition: Temporary Record. Retain until superseded.
- b. **Employee applications, correspondence, and enrollment cards and files.**
Disposition: Temporary Record. Retain 4 years after termination of the program or separation of employee.
- c. **Employee claims files.**
Disposition: Temporary Record. Retain 2 years following audit.

11.17 Workman's Compensation Insurance Claim Files. These files document all claims pertaining to work-related injuries or diseases made by law enforcement employees (see Code of Alabama 1975 § 25-5-4).

Disposition: Temporary Record. Retain 12 years after the end of the fiscal year in which the transaction occurred.

11.18 Unemployment Compensation Records. These records provide documentation on law enforcement employee claims for unemployment compensation.

Disposition: Temporary Record. Retain 2 years after the audit period in which the transaction occurred.

11.19 Employment Assistance Program Files. These are administrative records documenting the referral of employees to various assistance programs and subsequent services provided.

Disposition: Temporary Record. Retain 2 years after the audit period in which the transaction occurred.

11.20 Family Medical Leave Act (FMLA) Records. These records document administration of the Family Medical Leave Act program, include leave taken, premium payments, employer notices, and correspondence.

Disposition: Temporary Record. Retain 2 years following audit.

11.21 Affordable Care Act Compliance Files. These records encompass the documentation submitted to the federal government to demonstrate compliance with the Affordable Care Act.

Disposition: Temporary Record. Retain 3 years after submission.

11.22 Training Records. These records document in-service training and professional development for law enforcement personnel. They do not include materials obtained from outside sources.

- a. **Training standards, policies, procedures, and publications.** These records document the law enforcement agency's overall standards, policies, and procedures in providing specialized training to its employees. They may include general policy statements or guidelines, training manuals, or related publications.
Disposition: PERMANENT RECORD.

Note: Permanent retention applies to the file copy. Duplicates may be destroyed when no longer needed.

- b. **Training administrative files.** These records document the process of conducting training for employees. They may include individual lesson plans, audiovisual presentations or materials, lists of attendees at workshops or training sessions, sign-in sheets, unpublished handouts, and appraisals of training completed by participants.
Disposition: Temporary Record. Retain for useful life.

11.23 “Drug-Free Workplace” Records. These records document the law enforcement agency’s substance abuse policies and programs, as well as drug and alcohol testing of employees. Under the federal Americans With Disabilities Act, such medical-related records may not be included in Employee Personnel Files. They are generally governed by the requirements of 49 CFR Ch. VI 655.71 (10-1-05 edition). The types of records to be maintained include:

Retention periods for “Drug-Free Workplace” records are as follows:

- a. **Drug/alcohol abuse policy and procedures documentation.**
Disposition: PERMANENT RECORD.
- b. **Positive employee drug or alcohol test results, documentation of employee refusals to take tests, documentation of employee referrals and treatment in substance abuse programs, copies of annual MIS reports submitted to FTA.**
Disposition: Temporary Record. Retain 5 years.
- c. **Records related to the collection process and employee training.**
Disposition: Temporary Record. Retain 2 years
- d. **Negative employee drug or alcohol test results.**
Disposition: Temporary Record. Retain 1 year.

Administering Internal Operations: Managing Properties, Facilities, and Resources

12.01 Annual Inventory Records. These records document all personal property, equipment, or capital outlay of the law enforcement agency on an annual basis.
Disposition: Temporary Record. Retain 2 years following audit.

12.02 Receipts of Responsibility for Property. These records document the temporary use or possession of law enforcement agency property by employees.
Disposition: Temporary Record. Retain until return of item to property manager.

12.03 Facilities/Building Maintenance Work Orders. These records document routine maintenance activities in law enforcement buildings or other facilities.
Disposition: Temporary Record. Retain 1 year.

12.04 Facilities/Building Inspection Records. These records document the routine safety and maintenance inspection of law enforcement buildings, facilities, and such potentially dangerous items as furnaces, elevators, electronic doors, etc.
Disposition: Temporary Record. Retain 5 years.

12.05 Facilities/Building Security Records (including staff and visitor logs). These records document law enforcement agency's efforts to provide security to members of the public using its buildings and facilities, as well as to monitor the admission of staff and visitors to these areas. They may include sign-in sheets for visitors, staff swipe card logs, alarm system log sheets, and records documenting responses to alarms or emergencies.

a. **Security monitoring or response recordings.**

- i. Recorded information that does not become part of a case file.
Disposition: Temporary Record. Retain 6 months.
- ii. Recorded information that becomes part of a case file.
Disposition: Temporary Record. Retain until final disposition of all cases for which the recording provides evidence.

b. **All other records.**

Disposition: Temporary Record. Retain 3 years.

12.06 Facilities/Buildings Safety Plans and Training Files.

- a. **Safety plans.** These records document the manner in which agency staff are directed to respond in emergencies. Examples of safety plans include, but are not limited to, fire evacuation protocols, severe weather plans, and active shooter protocols.
Disposition: Temporary Record. Retain until superseded.
- b. **Training files.** These records document the training and practice undertaken by staff to implement safety plans. Examples of training and practice include, but are not limited to, fire drills, tornado drills, and bomb threat drills.
Disposition: Temporary Record. Retain 3 years.

12.07 Motor Pool Use Records. These records document use of police or emergency vehicles by agency employees. They include gasoline usage records.
Disposition: Temporary Record. Retain 2 years following audit.

12.08 Vehicle and Equipment Ownership and Maintenance Files. These records document the ownership, maintenance, and repair of all vehicles or other equipment owned or operated by the law enforcement agency. Examples of equipment subject to ownership, maintenance, and repair within this series include, but are not limited to, the following: tasers, firearms, body armor, audiovisual devices, and radar devices. Records may include titles, bills of sale, repair records, certificates of calibration, and related correspondence.

a. **Ownership records (titles, bills of sale, etc.).**

Disposition: Temporary Records. Retain 2 years following the audit period in which equipment or vehicle is removed from inventory.

- b. **Maintenance files (work orders, repair records, and related financial records).**
Disposition: Temporary Record. Retain 2 years following audit.

Note: These records may include, but are not limited to, the following: work orders, repair records, related financial records.

12.09 Parking Records. These records document the use of parking facilities by law enforcement employees or visitors. They may include parking permits, cards, and applications for these items.

- a. **When parking fee is charged.**
Disposition: Temporary Record. Retain 2 years following audit.
- b. **When no parking fee is charged.**
Disposition: Temporary Record. Retain 1 year after permit expires.

12.10 Long-Distance Telephone Logs. These records document use of the law enforcement agency's long-distance telephone systems by its employees during working hours.
Disposition: Temporary record. Retain 2 years following audit.

12.11 Insurance Policies and Claims.

- a. **Insurance policies.** These policies document all insurance policies carried by the agency.
Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the policy was terminated.
- b. **Insurance claims.** These records document insurance claims filed by the local government agency.
Disposition: Temporary Record. Retain 2 years after the audit period in which the claim was settled.
- c. **Certificates of liability.** These records provide proof of insurance. Certificates are typically valid for a period of one year or less.
Disposition: Temporary Record. Retain until superseded.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Requirement

Under the Code of Alabama 1975 § 41-13-23, “no county, municipal, or other local government official, shall cause any. . . record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission.” This RDA constitutes authorization by the Local Government Records Commission to dispose of records as stipulated, with the condition that the responsible official must submit a Local Government Records Destruction Notice to the ADAH Government Records Division to document the destruction. The ADAH, which serves as the commission’s staff, retains local records destruction documentation as a permanent record.

Recommendations

In addition, the Agency should make every effort to establish and maintain a quality record-keeping program by conducting the following activities:

The Agency should designate a staff member in a managerial position as its records liaison/records manager, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.

Permanent records in the Agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.

Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the Open Meetings Act, audit requirements, or any legal notice or subpoena.

The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA’s requirements, the office should preferably employ an electronic records management system capable of sorting e-

mail into folders and archiving messages having long-term value.

The staff of the Local Government Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the Agency and inspect records destruction documentation. Agency records managers and/or the ADAH archivists are available to instruct the staff in RDA implementation and otherwise assist the Agency in implementing its records management program.

The Local Government Records Commission adopted this records disposition authority on October 28, 2020.

Steve Murray, Chairman
Local Government Records Commission

Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by this Records Disposition Authority.

Sheriff/Chief of Police

Date

Name of Law Enforcement Agency

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